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Innocence

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The State Department is "washing its hands of blame in clearing the way for accused presidential assassin Lee Harvey Oswald to return to the U.S."

High-ranking authorities, including Assistant Secretary Frederick Dutton, Administrator Abba Schwartz, Bureau of Security & Consular Affairs, and Legal Adviser Abram Chayes, are launching a high-powered backstage campaign to clear the State Department of any mishandling of the Oswald case.

They are sending letters and privately briefing members of Congress, the press, and the special Warren Commission probing the assassination of President Kennedy, to back up their claim that the Department had no other course in handling Oswald's request than to permit the Marxist defector to return.

In a letter to Senator John Tower, R-Tex., Assistant Secretary Dutton flatly contends the State Department had no legal weapon to bar Oswald's return, stating:

"The question whether an individual has lost his U.S. citizenship must be determined in accordance with the Immigration & Nationality Act of 1952.

"For example, a person desiring to renounce his U. S. citizenship under section 349 (a) (6) of the Act must make a formal renouncement of nationality before a diplomatic or consular officer of the U.S. abroad in the form prescribed by the Secretary of State.

"Lee Harvey Oswald did not renounce his nationality in accordance with provisions of this section, and therefore did not lose his U.S. citizenship under these provisions."

Despite this flat State Department denial, its own records show that Oswald appeared at the American Embassy in Moscow following his defection in 1959, and announced that he meant to become a Soviet citizen, swearing in an affidavit that "I affirm that my allegiance is to the Soviet Socialist Republic."

"Stretching the law" — Under the State Department's interpretation, Oswald technically did not renounce his U.S. citizenship since he failed to sign the document in the presence of the Consular Officer, as required by the 1952 Immigration Act.

However, the records clearly show that Oswald intended to give up his citizenship. He handed his affidavit to a Central Intelligence employee who

was masquerading as a State Department political officer in the embassy.

Secretary Dutton also revealed that any one of the more than 200 U.S. defectors now living behind the Iron Curtain or in Cuba could demand passports at any time and return to the U.S. as long as they haven't formally renounced their citizenship.

He wrote, "There is no provision in our laws covering a 'defector' who has not committed one of the expatriative acts set forth in the Immigration & Nationality Act of 1952."

He stressed that under the State Department's interpretation of the law, "In the event an individual has not performed an expatriative act, his U. S. citizenship and his entrance into this country cannot be denied."

"In addition," he revealed, "such an individual may receive a U.S. passport after complying with Department of State regulations and procedures required of applicants for U.S. passports."

In other words, the gate is wide open for the return of as many Oswalds as want to come back to the U.S., regardless of whatever type of sinister training, brainwashing or Communist indoctrination they might receive while behind the Iron Curtain.

"Dodging the issue" — Significantly, neither Chayes nor Schwartz, both involved in the granting of passports to Oswald, has touched on this dangerous situation in their private briefings.

In reply to questions, they have admitted the State Department has not sent any recommendations to Congress to plug this "loophole." Neither official, although both are involved in the administration of passports and immigration waivers, has asked that the law be changed.

Since the assassination of President Kennedy, Chayes and Schwartz have supported proposals "relaxing" the immigration bars covering defectors even further.

Before Congress adjourns, Dutton, Chayes and Schwartz will be given a chance to tell under oath "all they know" about the way the Oswald case was handled in the State Department.

Representative Michael Feighan, D-O., chairman of a House Judiciary Subcommittee on Immigration, is planning to extend this opportunity.